

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 0—ORGANIZATION

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AUTHORITY: Sec. 6(g), 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552).

SOURCE: 41 FR 54483, Dec. 14, 1976, unless otherwise noted.

§0.1 The Commission.

The Federal Trade Commission is an independent administrative agency which was organized in 1915 pursuant to the Federal Trade Commission Act of 1914 (38 Stat. 717, as amended; 15 U.S.C. 41-58). It is responsible for the administration of a variety of statutes which, in general, are designed to promote competition and to protect the public from unfair and deceptive acts and practices in the advertising and marketing of goods and services. It is composed of five members appointed by the President and confirmed by the Senate for terms of seven years.

§0.2 Official address.

The principal office of the Commission is at Washington, DC. All communications to the Commission should be addressed to the Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580, unless otherwise specifically directed.

[63 FR 71582, Dec. 29, 1998]

§0.3 Hours.

Principal and field offices are open on each business day from 8:30 a.m. to 5 p.m.

§0.4 Laws administered.

The Commission exercises enforcement and administrative authority under the Federal Trade Commission Act (38 Stat. 717, as amended (15 U.S.C. 41-58)), the Clayton Act (38 Stat. 730, as amended (15 U.S.C. 12-27)), the Export Trade Act (40 Stat. 516, as amended (15 U.S.C. 61-65)), the Packers and Stockyards Act (42 Stat. 159, as amended (7 U.S.C. 181-229)), the Wool Products Labeling Act (54 Stat. 1128, as amended (15 U.S.C. 68-68j)), the Trade Mark Act (60 Stat. 427, as amended (15 U.S.C. 1051-72)), The Fur Products Labeling Act (65 Stat. 175, as amended (15 U.S.C. 69-69j)), the Textile Fiber Products Identification Act (72 Stat. 1717, as amended (15 U.S.C. 70-70k)), the Federal Cigarette Labeling and Advertising Act (79 Stat. 282, as amended (15 U.S.C. 1331-39)), the Fair Packaging and Labeling Act (80 Stat. 1296, as amended (15 U.S.C. 1451-61)), the Truth in Lending Act (82 Stat. 146, as amended (15 U.S.C. 1601 et seq.)), the Fair Credit Reporting Act (84 Stat. 1128 (15 U.S.C. 1681 et seq.)), the Fair Credit Billing Act (88 Stat. 1511; (15 U.S.C. 1666)), the Equal Credit Opportunity Act (88 Stat. 1521, as amended (15 U.S.C. 1691)), Hobby Protection Act (87 Stat. 686 (15 U.S.C. 2101)), the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (88 Stat. 2183 (15 U.S.C. 2301-12, 45-58)), the Energy Policy and Conservation Act (89 Stat. 871 (42 U.S.C. 6291)), the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (90 Stat. 1383 (15 U.S.C. 1311)), and other Federal statutes.

§0.5 Laws authorizing monetary claims.

The Commission is authorized to entertain monetary claims against it under three statutes. The Federal Tort

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Claims Act (28 U.S.C. 2671-2680) provides that the United States will be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful acts or omissions of its employees acting within the scope of their employment or office. The Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 3701, 3721) authorizes the Commission to compensate employees' claims for damage to or loss of personal property incident to their service. The Equal Access to Justice Act (5 U.S.C. 504 and 28 U.S.C. 2412) provides that an eligible prevailing party other than the United States will be awarded fees and expenses incurred in connection with any adversary adjudicative and court proceeding, unless the adjudicative officer finds that the agency was substantially justified or that special circumstances make an award unjust. In addition, eligible parties, including certain small businesses, will be awarded fees and expenses incurred in defending against an agency demand that is substantially in excess of the final decision of the adjudicative officer and is unreasonable when compared with such decision under the facts and circumstances of the case, unless the adjudicative officer finds that the party has committed a willful violation of law or otherwise acted in bad faith, or special circumstances make an award unjust. Questions may be addressed to the Office of the General Counsel, (202) 326-2462.

[63 FR 36340, July 6, 1998]

§0.6 [Reserved]

§0.7 Delegation of functions.

The Commission, under the authority provided by Reorganization Plan No. 4 of 1961, may delegate, by published order or rule, certain of its functions to a division of the Commission, an individual Commissioner, an administrative law judge, or an employee or employee board.

§0.8 The Chairman.

The Chairman of the Commission is designated by the President, and, subject to the general policies of the Commission, is the executive and administrative head of the agency. He presides

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at meetings of and hearings before the Commission and participates with other Commissioners in all Commission decisions. Attached to the Office of the Chairman, and reporting directly to him, and through him to the Commission, are the following staff units:

(a) The Office of Public Affairs, which furnishes information concerning Commission activities to news media and the public; and

(b) the Office of Congressional Relations, which coordinates all liaison activities with Congress.

[50 FR 53303, Dec. 31, 1985]

§0.9 Organization structure.

The Federal Trade Commission comprises the following principal units: Office of the Executive Director, Office of the General Counsel, Office of the Secretary, Office of Administrative Law Judges, Bureau of Competition, Bureau of Consumer Protection, Bureau of Economics, The Regional Offices.

[54 FR 19885, May 9, 1989]

§0.10 Office of the Executive Director.

(a) The Executive Director, under the direction of the Chairman, is the chief operating official. He exercises executive and administrative supervision over all the offices, bureaus, and staff of the Commission and resolves problems concerning priorities in case handling. Immediately under his direction are the Deputy Executive Directors for Management and Planning and Information.

(b) The Deputy Executive Director for Management functions as staff advisor to the Executive Director in all aspects of administrative management; provides administrative policy guidance to agency management and provides general supervision to the programs of procurement and contracts, personnel, budget and finance, and administrative service activities; and initiates and develops long-range plans to assure that the Commission acquires and effectively utilizes the manpower, financial resources, physical facilities and management tools necessary to accomplish its mission.

(c) The Deputy Executive Director for Planning and Information provides general supervision to the programs of

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data processing and information systems, information analysis, and the library; responds to initial requests for Commission records under the Freedom of Information and Privacy Acts; maintains a current index of opinions, orders, statements of policy and interpretations, staff manuals and instructions that affect any member of the public, and other public records of the Commission; makes available for inspection and copying all public records of the Commission; coordinates the Commission's information processing systems; and is responsible for the publication of all Commission actions which must appear in the FEDERAL REGISTER and for the publication of *Federal Trade Commission Decisions* and *Court Decisions—Federal Trade Commission*.

[48 FR 4280, Jan. 31, 1983, as amended at 50 FR 53303, Dec. 31, 1985]

§0.11 Office of the General Counsel.

The General Counsel is the Commission's chief law officer and adviser, who renders necessary legal services to the Commission, represents the Commission in the Federal and State Courts, advises the Commission with respect to questions of law and policy, including advice with respect to legislative matters, cooperates with and assists State and local officials in the efforts to eliminate local and national trade restraints.

[41 FR 54483, Dec. 14, 1976, as amended at 50 FR 53303, Dec. 31, 1985]

§0.12 Office of the Secretary.

The Secretary is responsible for the minutes of Commission meetings and is the legal custodian of the Commission's seal, property, papers, and records, including legal and public records. The Secretary, or in his absence an Acting Secretary designated by the Commission, signs Commission orders and official correspondence.

[48 FR 4280, Jan. 31, 1983]

§0.13 [Reserved]

§0.14 Office of Administrative Law Judges.

Administrative law judges are officials to whom the Commission, in accordance with law, delegates the initial

performance of its adjudicative fact-finding functions to be exercised in conformity with Commission decisions and policy directives and with its rules of practice. The administrative law judges also serve as presiding officers assigned to conduct rulemaking proceedings under section 18(a)(1)(B) of the Federal Trade Commission Act as amended and other rulemaking proceedings as directed. The Chief Administrative Law Judge also serves as the Chief Presiding Officer. Administrative law judges are appointed under the authority and subject to the prior approval of the Office of Personnel Management.

[54 FR 19885, May 9, 1989]

§0.15 [Reserved]

§0.16 Bureau of Competition.

The bureau is responsible for enforcing Federal antitrust and trade regulation laws under section 5 of the Federal Trade Commission Act, the Clayton Act, and a number of other special statutes which the Commission is charged with enforcing. The bureau work aims to preserve the free market system and assure the unfettered operation of the forces of supply and demand. Its activities seek to ensure price competition, quality products and services and efficient operation of the national economy. The bureau carries out its responsibilities by investigating alleged law violations, and recommending to the Commission such further action as may be appropriate. Such action may include injunctive relief in Federal District Court, complaint and litigation before the agency's administrative law judges, formal nonadjudicative settlement of complaints, trade regulation rules, or reports. The bureau also conducts compliance investigations and initiates proceedings for civil penalties to assure compliance with final Commission orders dealing with competition and trade restraint matters.

[41 FR 54483, Dec. 14, 1976. Redesignated at 45 FR 36341, May 29, 1980, and amended at 50 FR 53303, Dec. 31, 1985]

§0.17 Bureau of Consumer Protection.

The Bureau investigates unfair or deceptive acts or practices under section

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5 of the Federal Trade Commission Act as well as potential violations of numerous special statutes which the Commission is charged with enforcing. It prosecutes before the agency's administrative law judges alleged violations of law after issuance of a complaint by the Commission or obtains through negotiation consented-to orders, which must be accepted and issued by the Commission. The bureau participates in trade regulation rule-making proceedings under section 18(a)(1)(B) of the Federal Trade Commission Act and other rulemaking proceedings under other statutory authority. It investigates compliance with final orders and trade regulation rules and seeks civil penalties or consumer redress for their violation. In addition, the bureau seeks to educate both consumers and the business community about the laws it enforces.

[46 FR 26287, May 12, 1981]

§0.18 Bureau of Economics.

The bureau aids and advises the Commission concerning the economic aspects of all of its functions, and is responsible for the preparation of various economic reports and surveys. The bureau provides economic and statistical assistance to the enforcement bureaus in the investigation and trial of cases.

[41 FR 54483, Dec. 14, 1976. Redesignated at 45 FR 36341, May 29, 1980, and amended at 50 FR 53303, Dec. 31, 1985]

§0.19 The Regional Offices.

(a) These offices are investigatory arms of the Commission, and, with respect to matters of a regional nature, have responsibility for investigational, trial, compliance, and consumer educational activities as delegated by the Commission. Each regional office has general responsibility for its own activities and for the smaller offices, designated as field stations, located in its area of responsibility. They are under the general supervision of the Office of the Executive Director, and clear their activities through the appropriate operating bureaus.

(b) The addresses of the respective regional offices, and of the field stations located in the area of each are as follows:

(1) Atlanta Regional Office. Federal Trade Commission, Suite 5M35, Midrise Building, 60 Forsyth Street, S.W., Atlanta, Georgia 30303.

(2) Boston Regional Office. Federal Trade Commission, 101 Merrimac Street, Suite 810, Boston, Massachusetts 02114-4719.

(3) Chicago Regional Office. Federal Trade Commission, 55 East Monroe Street, Suite 1860, Chicago, Illinois 60603-5701.

(4) Cleveland Regional Office. Federal Trade Commission, Eaton Center, Suite 200, 1111 Superior Avenue, Cleveland, Ohio 44114.

(5) Dallas Regional Office. Federal Trade Commission, 1999 Bryan Street, Suite 2150, Dallas, Texas 75201.

(6) Denver Regional Office. Federal Trade Commission, 1961 Stout Street, Suite 1523, Denver, Colorado 80294-0101.

(7) Los Angeles Regional Office. Federal Trade Commission, 10877 Wilshire Boulevard, Suite 700, Los Angeles, California 90024.

(8) New York Regional Office. Federal Trade Commission, 150 William Street, Suite 1300, New York, New York 10038.

(9) San Francisco Regional Office. Federal Trade Commission, 901 Market Street, Suite 570, San Francisco, California 94103.

(10) Seattle Regional Office. Federal Trade Commission, 915 Second Avenue, Suite 2896, Seattle, Washington 98174.

(c) Each of the regional offices is supervised by a Regional Director, who is available for conferences with attorneys, consumers, and other members of the public on matters relating to the Commission's activities.

[41 FR 54483, Dec. 14, 1976, as amended at 42 FR 27218, May 27, 1977; 43 FR 754, Jan. 4, 1978; 43 FR 6579, Feb. 15, 1978. Redesignated at 45 FR 36341, May 29, 1980, and amended at 50 FR 53303, Dec. 31, 1985; 63 FR 71582, Dec. 29, 1998]

PART 1—GENERAL PROCEDURES

Subpart A—Industry Guidance

ADVISORY OPINIONS

Sec.

1.1 Policy.

1.2 Procedure.

1.3 Advice.

1.4 Public disclosure.